

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IRA HOLTZMAN, Individually and as the representative of a class of similarly-situated persons)	
)	
)	
)	
Plaintiff,)	No. 07 C 7279
)	
v.)	Judge Manning
)	Magistrate Judge Cole
MICHAEL P. CAPLICE, d/b/a M. P. CAPLICE & ASSOCIATES)	
)	
)	
Defendant.)	

UNITED STATES' MOTION FOR LEAVE NOT TO APPEAR AT FUTURE HEARINGS

The Court currently has scheduled a status hearing in the above captioned case on June 19, 2008. Minute Entry (June 2, 2008). While the United States remains an intervenor in this lawsuit, the United States' only role in the case has been to defend the constitutionality and application of the Telephone Consumer Protection Act ("TCPA"). See Mem. In Support of Mot. to Intervene (Dkt. No. 23). The United States has not, and will not, take a position on the merits of this case. On May 23, 2008, the Court dismissed defendant's challenges to the constitutionality of the TCPA. As the constitutionality of the TCPA is not, at this time, at issue, the presence of the United States' counsel at the scheduled hearing appears to be unnecessary. Accordingly, the United States seeks leave of the Court to not attend the June 19, 2008, hearing, and any future hearings at which the constitutionality of TCPA will not be at issue.

Dated: June 5, 2008

Respectfully submitted,

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s/ Stephen J. Buckingham
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the following document:

**THE UNITED STATES' MOTION FOR LEAVE NOT TO APPEAR AT FUTURE
HEARINGS**

was served on this 5th day of June, 2008, in accordance with FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Stephen J. Buckingham
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